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ABSTRACT

The role of empirical research in investigating normative ethics is examined. Normative ethics refers to a set of moral principles or values which describes not only what exists but also prescribes what should be. The theoretical work in the field of normative ethics upon which this approach is based is that of Bernard Rosen, particularly his work on moral education/moral theory, treatment of moral dilemmas, and moral negotiation (rational agreement) to resolve moral disagreements. The discussion is presented in two major parts. Part one describes the perspective from which the author viewed the normative ethics/empirical research question. The perspective is based on the assumption that more light would be shed on the issue of moral dilemmas if there were a closer and more interactive relationship between empirical researchers and those who work with values. This working relationship is desirable in understanding and evaluating various types of disputes--verbal, factual, and value-related. Part two presents a brief description of how the method of moral negotiation might be used by empirical researchers and discusses some theoretical aspects of moral negotiation. The moral negotiation method centers on capturing moral/value conflicts in the form of two conflicting statements and in setting forth statements of consequences which would follow according to which original statement was determined to be correct. Researchers can help in this process by sifting and sorting reasons, evaluating statements, relating statements to each other, and identifying possible areas of conditional agreement. The conclusion is that values experts and empirical researchers will contribute more to the dispute solving process if they concentrate more on the immediate potential of moral negotiation than on what ethics could offer if all the theoretical issues were resolved. (DB)

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"A SUGGESTED FRAMEWORK FOR INTERACTION BETWEEN NORMATIVE ETHICS AND EMPIRICAL RESEARCH"

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"A Suggested Framework for Interaction between Normative Ethics and Empirical Research"

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Introduction

The purpose of this symposium is to demonstrate how a particular development in normative ethics can be used to assist the empirical researcher in focusing his research efforts in a way that maximizes the chances that the research results will produce rational agreement on some value issues. The theoretical work in normative ethics upon which this approach is based is that of Bernard Rosen. (See, for example, Bernard Rosen, Strategies of Ethics, Houghton Mifflin, 1978; "Moral Education and Moral Theory," Teaching Philosophy, Fall, 1976; "Moral Dilemmas and Their Treatment," in Brenda Munsey (ed.), Moral Development, Moral Education, and Kohlberg. Birmingham, Alabama, Religious Education Press, 1980.)

This symposium grows out of on-going collaborative work of B. Rosen, G. Reagan, J. Freiberg and K. Varga. That work includes a National Endowment for the Humanities development project entitled "Moral Negotiation as Moral Education: The Rational Resolution of Moral Disagreements" and an Ohio State University, College of Education development project "Applied Ethics for Educators." Both of these projects involve applying what Rosen

calls "the method of moral negotiation." (The approach might, with equal accuracy, be termed the "method of hypothetical agreement" or the "method of conditional agreement.") The NEH project involves using moral negotiation as a teaching method to deal with value questions in secondary schools. The OSU College of Education Project includes an application of moral negotiation to assist the practicing educator when s/he encounters perplexing ethical problems. In this symposium we will attempt to explain and demonstrate how some of the skills of moral negotiation can become a useful tool for the empirical researcher.

The remainder of my paper is divided into two parts. The first part is an attempt to describe the perspective from which we view the normative ethics/empirical research question. The second part gives a brief and oversimplified description of how the method of moral negotiation might be used by the empirical researcher. Bernie Rosen will then discuss some theoretical aspects of moral negotiation and will also demonstrate, in a discussion with the audience, how the method can be used to reach conditional agreement on a highly emotional issue, and how that conditional agreement can become one basis for identifying research questions.

A Perspective

Even to suggest that one may have something useful to say both about the importance of applied ethics to the empirical research process and of the latter to the former is surely to

invite the comment that one is a paradigm case of the fool rushing in where angels fear to tread. There is, of course, an academic division of labor, and those who work in the value vineyards deal with matters of ethics while the empirical researchers till the factual fields. But there often seems to be an unstated assumption that goes far beyond the mere division of labor. The assumption appears to be that two groups are dealing with different "domains" of knowledge or experience, that each is sui generis, and that neither is needed nor useful for the other.

Let me try to make my contention here more clear. We recognize at least three categories--probably more--of disputes or diagreements between and among persons. First there are disagreements we sometimes call verbal disputes, disputes which are resolved or dissolved when we pay careful attention to the language used. Second, there are those disagreements which we say are factual, and these we assume are resolved by looking at empirical evidence. Third, there are disagreements which we say are about matters of value. With this sort of dispute we find disagreement not just about how they might be resolved, but also about whether resolution is possible. Some assert that rigorous inquiry applies only to disagreements of the second type, and that value questions can be dealt with only in the sense that we can find out what people prefer. Others might simply take the Dragnet position--all they do is collect the facts. If value disputes are to be dealt with, that task falls to the philospher.

Such views are encouraged by our talk of the "fact-value dichotomy" or "is-ought dichotomy" or "the naturalistic fallacy." Most of us learned as undergraduates that we cannot draw an "ought" conclusion from "is" premises alone. Now the "is-ought" fallacy is a subject of lively debate among philosophers and is a central question in ethics. This debate is avoided here, not because it is unimportant but because I think it is reasonable to argue for a closer and interactive relationship between empirical research and normative ethics whether or not one rejects the fact/value dichotomy.

In his theoretical work, Bernie does not, of course, leave such philosophical questions untouched. An avowed pragmatist, he is willing to argue his philosophical position persuasively and in great detail. Yet it seems to me, and I think Bernie will agree, the use of the method of moral negotiation that we will be discussing here today does not necessitate that we accept his philosophical position. Indeed it seems to me that this is a major strength of the method: we can find a contribution which ethics can make to research and research to ethics even though theoretical issues in ethics remain unresolved. The question here is <u>not</u> what ethics could offer <u>if</u> all the theoretical issues were resolved, but what moral negotiation can offer in the meantime. And the meantime is, as W.H. Auden once commented, the most difficult time of all. Rosen's approach, we will argue, offers a way of maximizing the chances of moving from disagreement on value matters to agreement on the basis of factual inquiry.

It is important to note at this point that I am not here talking about how a value/obligation proposition is to be "verified"--or even "justified" or "warranted." Rather I will discuss moral negotiation simply as a method which encourages parties in a value/obligation disagreement to come to agree both about what is being disputed and about how that dispute might be rationally resolved. I do not intend to claim that agreement, no matter how widespread, constitutes either verification or justification.

To reach such agreement is a much less ambitious undertaking than is showing how a value claim is properly verified or justified or warranted. Indeed in a sense such "resolution" of value disagreements is a less ambitious task than resolving empirical disputes. Empirical disputes are often resolved when it can be demonstrated that the claims made by one party in the dispute are true while the claims made by the other party are false. But "proof" or "certainty" or "demonstration" is not required for the resolution of some disputes: What is frequently required is simply agreement. In value disputes we may be unable to "prove" that an action is correct or right or obligatory, and yet though we may initially disagree we can often come to agree.

The goal of moral negotiation is not "agreement at any cost." The concern is with rational agreement, which although less than proof or verification or justification is more than irrational persuasion, sophistical reasoning, etc. Let us turn now to a simplified, perhaps oversimplified, overview of the

method of moral negotiation as it might be applied in an empirical research process.

The Method of Moral Negotiation

Moral negotiation is a method for dealing with moral or value conflicts by allowing us to capture those conflicts in the form of two conditional statements. The consequents of the conditional statements contain the conflicting moral/value judgments while the antecedent of each contains the reasons which persons hold in support of the value/moral judgment. Conditional or hypothetical agreement has been reached when all parties to the dispute agree that both of the conditional statements are true, i.e., that the antecedent of each conditional statement, if true, would be sufficient to warrant the consequent of that statement. Unconditional agreement could then be produced if one of the antecedents could be shown to be true.[1]

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[1]We might notice that these conditional statements are somewhat different from many we encounter. There are conditionals which are "analytic," that is, the relationship between the antecedent and the consequent is a logical one, the antecedent being logically sufficient for the consequent, e.g., If X is a triangle, then X has three sides. Other conditionals are empirical, with the antecedent held to be empirically sufficient for the consequent, e.g., If one throws a lighted match on spilled gasoline, then the gasoline will ignite. In the conditionals discussed here, however, the relationship between the antecedent and the consequent is neither one of logical necessity nor one of demonstrable empirical facts. Yet people do agree that the kind of conditionals discussed here are true. The nature of the relationship between the antecedent and consequent of these conditionals is, of course, an interesting philosophical puzzle.

Let us assume that two persons, A & B, disagree about whether some action X is morally permissible. A says that it is, B says it is not. A & B now have a moral dispute, but turn from the dispute to talk about reasons which persons might give to support either of the positions. These reasons can be seen as antecedents in conditional statements, e.g.,

A: If ($reason_1$, $reason_2$ and $reason_3$), then
(X is morally permissible)

B: If ($reason_4$, $reason_5$ and $reason_6$), then
(X is not morally permissible)

Now by expanding the antecedent in A's conditional--by giving other possible reasons--we should be able to get B to agree with the conditional even though he disagrees with both the statements comprising the antecedent (the reasons) and the consequent (the moral or value judgment). To agree with conditional A, B's agreement is only that if the statements in the antecedent were true (and s/he probably thinks they are not), they would be sufficient to warrant the consequent. And by expanding the antecedent in B's conditional--by giving other possible reasons, we should be able to get A to agree with that conditional. We now have conditional agreement: both parties agree that both conditional statements can be accepted, even though each party probably believes that both the reasons (antecedent) and the moral judgment (consequent) of the other are unwarranted.

The focus of inquiry can now move from the moral consequents to the antecedents. Are the statements in either antecedent true or warranted? If one antecedent can be shown to be true, then we

have moved from conditional agreement to unconditional agreement. That is, our conditional agreement was agreement with two conditional statements which had contradictory moral consequents:

A: $p \rightarrow q$ B: $r \rightarrow$ not q

Hence if we can show "p" to be true, we see that "q" follows. Or if we can show "r" to be true, "not q" follows. In short, once we have arrived at conditional agreement we attempt to affirm one of the antecedents which will give us an argument of the form modus ponens. If the two consequents are contradictories, and if we can affirm either of the antecedents, we have arrived at unconditional agreement.[2]

Now of course in practice this procedure encounters many difficulties, a few of which will be discussed later. My intent at this point is only to give a simple overview of the approach.

Moral negotiation simply extends and organizes further a decision-making process often used in everyday affairs. Imagine a colleague who is considering leaving East Seepage State to accept a position at Smackover University. To help make a decision, he lists in one column reasons for staying at East Seepage and in a second column reasons for accepting the Smackover position. We could see our colleague as having conflicting consequents--I ought not take the Smackover job/I ought take the

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[2]The world doesn't work quite this smoothly. In an actual debate it is likely that the "losing party" would not immediately agree, but would rather want to return and modify the conditionals.

Smackover job--with column one being the antecedents for the former and column two being the antecedents for the latter. Some reasons for each course of action may be known facts (the salary is higher at Smackover); some may be empirical possibilities or predictions (salary increases are likely to be greater at East Seepage); some may themselves be normative claims (there is a moral obligation to remain at East Seepage to complete an on-going project). We will deal later with how these various kinds of reasons are to be dealt with. At this point we simply want to notice that the outline of the method of moral negotiation is strikingly similar to a decision process which we commonly use.

Let us now turn to a description of the steps which the empirical researcher might take, using the method of moral negotiation, to help in identifying research questions which would help in resolving a public value disagreement. In Rosen's work, illustrations of the method are generally a discussion technique, although he points out that the technique can function with internal dialogue rather than public dialogue. For our purposes here I will combine the two: As the researcher works to identify problems, he finds value disagreements which have been discussed at length. He need not engage in the debate, but can in his internal dialogue attempt to capture the positions and reasons for the positions which have been reflected in the public dialogue.

The first step for the researcher then is that of identifying the area of public value disagreement. There are many such

areas of disagreement. We disagree about whether corporal punishment is morally permissible, about whether racial/sexual quotas should be used for admission to professional schools, about whether school children ought to be bussed to achieve racial balance, about whether compulsory school attendance ought be abolished, about whether non-English speaking students should be taught in their own language, about whether there ought be sex education in the schools, about whether there ought be competency tests for high school graduation, etc.

Following the identification of the area of public disagreement, two conflicting value judgments should be identified. It will generally be possible, and when possible desirable, to state these judgments as contradictories rather than as contraries. If, for example, our area of disagreement is over the use of corporal punishment in schools the conflicting judgments could be:

A: it is morally permissible to use corporal punishment in schools, and

B: it is not morally permissible to use corporal punishment in the schools.

A and B are contradictories, since one must be true and the other false. In the case of contraries, of course, although both cannot be true, both can be false.

Once the contradictory judgments are identified, they become the consequents of two conditional statements, i.e.,

A: If (_____), then it is morally permissible to use corporal punishment in the schools.

B: If (_____), then it is not morally permissible to use corporal punishment in the schools.

The next task is that of identifying the reasons in support of each judgment. These reasons, no matter the number, will comprise the antecedent. In this "reason-giving" or "reason-identifying" or "reason-finding" step the truth or warrant of the various reasons is not at issue. The task here is not to give an exhaustive list of all possible reasons, but to give a list that captures the reasons which are common in the public debate plus any reasons which the researcher might hold to be important even if overlooked in the public debate.

Reasons given are likely to include several different sorts of claims. Some are likely to be themselves normative claims, some factual claims that we know or can determine to be true or false, and some may be empirical predictions. There is no set number or ideal number of reasons. The goal at this point is simply to identify reasons for the antecedent of each conditional until that antecedent is believed to be sufficient to warrant the consequent. This judgment of sufficiency does not entail agreement with either the reasons which constitute the antecedent or with the judgment expressed in the consequent. The judgment of sufficiency is simply the judgment that <u>if</u> the statements comprising the antecedent were held to be true/warranted, <u>then</u> the judgment in the consequent would be warranted. One may be firmly convinced that the statements in the antecedent are false and that the judgment in the consequent is unwarranted and yet agree with the total conditional. The point is that in this step we are trying to get conditional or hypothetical agreement on both of our conditionals. We have such agreement when

in each conditional we have an antecedent the truth of which, we believe, would be sufficient to warrant belief in the consequent.

At this point in the process the task of the researcher could be seen as the sifting and sorting of reasons to identify those which can be dealt with in the research process and which promise to go far in adjudicating the value disagreement. There are a number of steps to be taken in this sifting and sorting process.

This process might begin by first identifying those reasons in each antecedent which are themselves normative claims. One question to ask about such claims is whether they are simply restatements of the consequent and are hence dispensible, e.g., "If it is my duty to do X, then I ought to do X." A second question is to ask whether the normative claim in the antecedent can be reasonably viewed as the consequent to another conditional which has a factual antecedent. That is, we begin with a conditional such as

If P [normative], then q [normative]

We then find that "P" as a consequent to an additional conditional has a factual antecedent:

If X [factual], then P [normative]

We now, by conditional chain, have

If P [normative], then q [normative]
If X [factual], then P [normative]

If X [factual], then q [normative]

We have now, in effect, formed a factual antecedent to replace

the original normative antecedent. Now this process can be continued. There is, of course, the possibility of indefinite if not infinite regress--one may always give as the antecedent a normative rather than a factual reason--but this often does not happen. There is also the possibility that no additional reasons will be offered, that one may assert that the normative reason requires no further justification. If this occurs, we have two options. The one is to turn to questions of ethical theory, hoping for a resolution. The other is to continue the "sifting and sorting process" without resolving this question. Let us for the moment take the latter route.

Let us assume for the moment that we have either found empirical antecedents for our normative statements in the antecedents or that although we have failed to find such antecedents, we are convinced that the normative reasons are not by themselves sufficient to warrant the consequent. If we can do this, we can turn to other reasons in our antecedents.

The next step might be to check again to see of the reasons given in each conditional can be reduced in number. There may be some factual reasons which the researcher knows to be false. And there may be, on occasion, factual antecedents which do not seem capable of being construed as rational reasons even if they are true, i.e., they do not seem to be relevant to the conclusion, e.g., "If Columbus discovered America, then corporal punishment is morally permissible. If the reasons are reduced in number, we might well once again see if we continue to have conditional agreement, or if not to see if the antecedents can

be sensibly expanded to produce conditional agreement again. But let us assume here that the reduction of reasons is not sifficient to destroy conditional agreement, i.e., with reduced reasons, we still have agreement on the two conditional statements.

A next step is to consider the possibility that in one or both of the antecedents we have sub-sets of statements which are believed to be sufficient for the consequent. Suppose that the conditionals we have agreed upon are the following:

Position #1	Position #2
If (a and b and c and d), then X	If (e and f and g and h), then not X

Now all that conditiqnal agreement has shown us is that if we believed <u>all</u> of the statements in the antecedents to be true/warranted, then we would also hold the consequent to be warranted. What we now want to examine is the possibility that sub-sets of the statements comprising the antecedent may be believed sufficient for the consequent. Thus, for example, we might decide that Position #1 could be warranted without all of the antecedent statements being true or warranted, e.g., we might agree that, in addition to our original conditional agreement,

(1) If (a · b · d), then X, and

(2) If (a · c · d), then X, and

(3) If (b · c · d), then X

And in terms of Position #2, we might find that, in addition to our original conditional agreement, we agree that:

(1) If (f · g · h), then not X, and

(2) If (e · f · g), then not X, and

(3) If (e · g · h), then not X

Now if we can reach such agreement, it provides, for each conditional, more than one route to affirming the antecedent, and hence more than one possible route for the researcher who seeks to bring about unconditional agreement.[3]

There are two possible additional guides given to us by our search for sub-sets. One guide is to ask how the reasons given in the antecedent of one conditional are related to the reasons given in the antecedent of the other conditional. It is typically the case that <u>some</u> of the reasons in one conditional will contradict reasons in the other conditional. For example, let us assume the sort of possible "sub-set agreement" described above:

Position #1	Position #2
If (a · b · c · d), then X	If (e · f · g · h), then not X
and further:	and further:
If (a · b · d), then X	If (f · g · h), then not X
and:	and:
If (a · c · d), then X	If (e · f · g), then not X
and:	and:
If (b · c · d), then X	If (e · g · h), then not X

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[3]There is something peculiar about such sub-sets when we are dealing with a public debate. All parties to the dispute <u>may</u> agree with the sub-sets, but it may also be the case that each sub-set represents the reasons given by a particular group, i.e., the sub-sets may represent sub-sets of reasons held to be sufficient by all, or they may represent sub-sets of persons who hold the reasons stated in the sub-sets.

Generally some of the reasons given for "X" will be contradictions of reasons given for "not X," e.g., a reason given to support the use of corporal punishment might well be that it motivates students to try harder to succeed at school tasks while a reason given to reject the moral permissibility of corporal punishment in the schools might be a denial that corporal punishment motivates students. To identify such a contradiction would seem to identify an important research question.

A second guide emerges, or may emerge, from our search for sub-sets of reasons which are believed to be sufficient for the proposed consequents. In our example, the three sub-sets of reasons which were held to be sufficient for the consequent "X" were:

(1) (a · b · d)

(2) (a · c · d)

(3) (b · c · d)

And the three sub-sets which were held to be sufficient for the consequent "not X" were:

(1) (f · g · h)

(2) (e · f · g)

(3) (e · g · h)

Now there are at least two things which the researcher could conclude from this. First any reason which was originally given but which is (a) not a member of a sub-set believed to be sufficient for one of the consequents, and (b) not itself believed to be sufficient for one of the consequents, and (c) not a contradiction of a reason given for the opposing consequent, is

not then a promising research question for resolving the dispute (although it may be an exciting research question for other reasons).

A second conclusion is that certain reasons are not held to be necessary for the consequent. In the case of consequent "X", reasons (a) and (b) and (c) are not held necessary for X, since in the case of each they are absent in sub-sets which are held to warrant X. And in the case of consequent "not X", the same can be said of (e) and (f) and (h). Given this, we might well suspect that (d) in the first group of sub-sets and (g) in the second group of sub-sets, since they occur in each sub-set in their appropriate group, may well be held as necessary conditions. Now in a sense if we suspect this it moves us back to the original discussion, but it also provides us with the possibility of a quicker resolution. For the position arguing for consequent "X", we would now ask:

> "If it turns out that (d) is false, is it the case that X will also be false?"

And for those who argue for the consequent "not X", we will wish to ask:

> "If it turns out that (g) is false, is it the case that 'not X' will also be false?"

In short, we now have the classical disconfirmation pattern. An affirmative answer to either of these questions will show that the reason in question is not simply one which combined with others is held sufficient for the consequent, but rather that holding this reason is necessary for the consequent--and

hence the falsity of this reason is sufficient for rejecting the consequent.

But I have gone on far too long to make some simple points. Rosen's work shows us how we can, in most cases, arrive at conditional agreement on value disagreements. Empirical researchers could, I think, use and extend this work to develop a technique for identifying those empirical questions which, if answered, are likely to move beyond conditional agreement and toward unconditional agreement.